

Caleb L. McGillvary, Pro Se  
#1222665/SBI#102317G NJSP  
PO Box 861 Trenton, NJ 08625

October 14, 2024

Clerk, US Dist. Ct. - D.N.J.  
4th & Cooper Sts.  
Camden, NJ 08101-2792

RE: Caleb L. McGillvary v. Bruce Davis, Adm'r NJSP  
Civil Action No. 1:22-cv-04185-MRH  
Hon. Mark R. Hornak, U.S.D.J.  
Hon. Richard A. Lanzillo, U.S.M.J.

Dear Clerk;

Please find enclosed and file onto the docket my reply pursuant to D.N.J. L. Civ. R. 7.1(d)(3); to the State's opposition to my motion pursuant to 28 U.S.C. 1657(a); and proof of service thereof; in the above-captioned matter.

Kind Regards,

  
Caleb L. McGillvary  
In Propria Persona

ENCL:  
CC: FILE

RECEIVED

OCT 21 2024

AT 8:30 \_\_\_\_\_ M  
CLERK, U.S. DISTRICT COURT - DNJ

PROOF OF SERVICE

I, Caleb L. McGillvary, declare pursuant to 28 U.S.C. 1746 that on today's date, I placed in the institutional mailing system here where I'm incarcerated at NJ State Prison 3rd & Federal Streets Trenton, NJ 08625; with First Class Postage prepaid to be sent via USPS Mail; the original of my reply pursuant to D.N.J. L. Civ. R. 7.1(d)(3); to the State's opposition to my motion pursuant to 28 U.S.C. 1657(a); to the Clerk of the District Court at the District of New Jersey, 4th & Cooper Sts. Camden, NJ 08101-2792; and a copy of said document to counsel for Respondent in Dkt. No. 1:22-cv-04185-MRH;

Amanda G. Schwartz

Office of the Attorney General


25 Market St., PO Bx 085

Trenton, NJ 08625-0085

I hereby invoke the prison mailbox rule. See *Houston v. Lack*, 487 U.S. 266 (1988).

I declare under penalty of perjury that the foregoing statements made by me are true and accurate.

Executed this 14 Day of October, 2024

  
Caleb L. McGillvary, Pro Se  
#1222665/SBI#102317G NJSP  
PO Box 861 Trenton, NJ  
08625-0861

RECEIVED

OCT 21 2024

AT 8:30 \_\_\_\_\_ M  
CLERK, U.S. DISTRICT COURT - DNJ

RECEIVED

OCT 21 2024

Caleb L. McGillvary, Pro Se  
#1222665/SBI#102317G NJSP  
PO Box 861 Trenton, NJ 08625

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

---

Caleb L. McGillvary	)	
PLAINTIFF	)	CIVIL ACTION NO.
	)	1:22-cv-04185-MRH
	)	
V.	)	Hon. Mark R. Hornak, USDJ
	)	Hon. Richard A. Lanzillo, USMJ
Bruce Davis, Administrator	)	Motion Date: October 21, 2024
NJSP, Attorney General of NJ	)	
DEFENDANT	)	
	)	

---

REPLY IN FURTHER SUPPORT OF  
MOTION TO ADVANCE THE CAUSE UNDER 28 U.S.C. 1657(a)

---

Petitioner Caleb L. McGillvary ("Petitioner"), hereby makes his reply pursuant to D.N.J. L. Civ. R. 7.1(d)(3); to the State's opposition to his motion pursuant to 28 U.S.C. 1657(a) for an order expediting the above-captioned matter and advancing the cause on the active docket.

As grounds for this reply, Petitioner incorporates by reference all of the facts and argument from his motion.

Additionally, Petitioner relies upon the following grounds in support of this motion:

Fed. R. Civ. P. 201(b)(1) allows the Court to take judicial notice of facts that are widely known and reported on. Federal Courts routinely take notice of news articles from major publications. See, e.g. Howard v. Arconic, Inc., 395 F.Supp.3d 516, 569 n.14 (W.D.PA June 21, 2019)(C.J. Hornak). Petitioner stated in his initial moving papers, that the entire docket of the State Court prior to 2016 had been deleted. However, the

State Court did not delete the judicially noticeable news article reporting on the contents of that docket prior to its deletion:

"[Petitioner] has studied law and then filed several motions in his criminal case, and filed state and federal lawsuits, both claiming authorities violated his right to due process by destroying evidence and failing to collect evidence that would prove his claim that the victim attempted to sexually assault him." NJ Advance Media, "3 Years and Counting, no trial yet for jailed youtube star 'Kai the Hitchhiker'" Tom Haydon (NJ.com) May 12, 2016 12:13pm (Updated May 12, 2016 1:13pm)

[https://www.nj.com/union/2016/05/kai\\_the\\_hitchhiker\\_wages\\_legal\\_battle\\_from\\_jail\\_fi.html](https://www.nj.com/union/2016/05/kai_the_hitchhiker_wages_legal_battle_from_jail_fi.html)

Petitioner urges the Court to judicially notice this article, which shows the attempt of the Respondent to claim that he was somehow responsible for any delay is in bad faith: because it was widely reported that he fought tooth and nail to vindicate his right to a speedy trial.

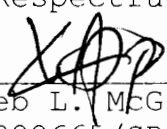
#### CONCLUSION

For all the foregoing reasons, Petitioner respectfully asks the Court to order that the the above-captioned matter be expedited pursuant to 28 U.S.C. 1657(a), and given precedence over ordinary civil cases on the docket of this Court.

Date:

10/14/24

Respectfully Submitted,

  
Caleb L. McGillvary, ProSe  
#1222665/SBI#102317G NJSP  
PO Box 861, Trenton, NJ 08625

14 NOV 24

Case 1:22-cv-04185-MRH

Document 53

Filed 10/21/24

Page 5 of 5 PageID: 3036

665/SB1 #1023176

PO BOX 861

TON, NJ

25

CERTIFIED MAIL™



7004 1350 0004 0478 2438

PRETTON NJ 085

16 OCT 2024 PM 4



UNITED STATES POSTAGE



PITNEY BOWES

\$ 009.92<sup>0</sup>

02 1P

0000931903

OCT 16 2024

MAILED FROM ZIP CODE 08611

CUERY  
U.S. DIST. CT. - DNJ  
4TH & COOPER STS.  
CAMDEN, NJ  
08101-2797

08101-279797

-PAID

LEGAL MAIL